

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACOB ANDREW JOHNSTON,  
Plaintiff,  
v.  
CRYSTAL JENNINGS, *et al.*,  
Defendants

CASE NO. 3:22-cv-05394-RAJ-JRC

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court, having reviewed the report and recommendation of Chief Magistrate Judge J. Richard Creatura, objections to the report and recommendation, if any, and the remaining record, does hereby find and order:

- (1) The Court adopts the report and recommendation.
  - (2) Defendants' motion to dismiss (Dkt. 22) is granted in part and denied in part. Washington Corrections Center is dismissed from this action with prejudice. Plaintiff's Eighth Amendment excessive force claim against defendant Logan is dismissed without prejudice and with leave to amend. Defendants' motion (Dkt. 22) is otherwise denied.
  - (3) The Clerk is directed to send copies of this order to plaintiff, counsel for defendants, and to the Hon. J. Richard Creature.

DATED this 26th day of January, 2023.

Richard D. Jones

The Honorable Richard A. Jones  
United States District Judge